

### **REMARKS**

In the Final Office Action, the Examiner rejected claims 1, 2, 4-19, 21-24, and 26-86. Applicants canceled claims 3, 20, and 25 in previous communications. By the present Response, Applicants amend claims 1, 29, 50, and 73 to further clarify the claimed subject matter. Upon entry of the amendments, claims 1, 2, 4-19, 21-24, and 26-86 will remain pending in the present patent application. Applicants respectfully request reconsideration of the above-referenced application in view of the foregoing amendments and the following remarks.

### **Interview Summary**

Applicants thank the Examiner for his participation in a telephonic interview with Applicants' representative on May 17, 2006. In this interview, the claims of the present patent application and the prior art of record were generally discussed, in addition to the filing of the present Request for Continued Examination to allow the Examiner to consider an Information Disclosure Statement filed herewith. Particularly, while no specific agreement was reached, Applicants' representative and the Examiner discussed amendments to claims 1, 29, 50, and 73 that more particularly point out and distinctly claim certain subject matter which Applicants regard as their invention. By the present Response, independent claims 1, 29, 50, and 73 have been amended in the discussed manner. For the reasons provided below, these independent claims, as well as their respective dependent claims, are believed allowable over the art of record. Should the Examiner, however, believe that further clarification is necessary for any reason, Applicants respectfully request that the Examiner contact the undersigned to discuss the present claims.

**Rejections Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1, 2, 4, 5, 7-19, 21-24, 26-63, and 73-86 under 35 U.S.C. § 102(e) as anticipated by Dekel et al. (U.S. Patent No. 6,314,452). Applicants respectfully traverse this rejection.

***Legal Precedent***

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

***Omitted Features of Independent Claims 1, 29, 50, and 73***

Turning now to the present claims, the Dekel et al. reference fails to disclose each element of independent claims 1, 29, 50, and 73. For instance, independent claim 1 recites “requesting a data stream comprising the plurality of data sets arranged sequentially in a desired order based upon the lossless wavelet decomposition, wherein the data sets form part of an image data file that is losslessly wavelet decomposed and that is stored in a losslessly compressed form on a server *independent of any request from a client* for data of the data sets” (emphasis added). Applicants further note that independent claims 29, 50, and 73 each similarly recite “an image data file that is losslessly wavelet decomposed and that is stored in a losslessly compressed form on a server independent of any request from a

client for data of the image sets.” Because the Dekel et al. reference fails to disclose such elements, the cited reference fails to anticipate the instant claims.

The Dekel et al. reference is generally directed to the transmission of static images over communication channels. Col. 1, lines 8-14. The Dekel et al. system includes a client computer 110 for receiving image data and a server 120 for transmitting image data, which are connected to each other via communication network 130. Col. 3, line 66 – col. 4, line 16; FIG. 1. The apparatus is configured to allow client 110 to select a region of interest (ROI) with respect to a particular set of image data and to formulate the region of interest into a request list corresponding to particular data blocks addressed by position and resolution within the larger set of data. Col. 4, lines 62-65; *see also* col. 5, lines 25-37. Notably, the Dekel et al. reference generally teaches the storage of *uncompressed* digital images on server 120. *See, e.g.*, col. 22, lines 38-41. The server 120 receives a request for the image from client 110 and performs a preprocessing step 801. Col. 22, lines 49-51. After this preprocessing step 801, the server 120 can transmit computed blocks, containing the client-requested data, to the client 110. Col. 22, line 53 – col. 23, line 6. Along these lines, the Dekel et al. reference explicitly states:

*Initially, an uncompressed digital image is stored in, for example, storage 122 of the server computer 120.*

....

*Once the client computer 110 requests to view or print a certain image, the server 120 performs the preprocessing step 801. This step is a computation performed on data read from the original digital image. The results of the computation are stored in the server cache device 121. After this fast computation, a ready to serve message is sent from the server 120 to the client 110 containing basic information on the image.*

Dekel et al., col. 22, lines 39-56 (emphasis added).

In the recent Office Action, the Examiner noted that the server 120 of Dekel et al. is able to cache (in cache 121) any computed block (resulting from a user request and the preprocessing step 801) “such that this data block can be sent to *any other* client 110 that requests it.” Dekel et al., col. 5, lines 38-40; *see* Office Action mailed March 21, 2006, pages 2-3. In other words, the Dekel et al. system receives a request from a first user *before* storing (caching) a computed data block. In any possible scenario, the Dekel et al. reference teaches compressing an image *after* receiving this initial request. For this reason, Applicants believe that the Dekel et al. reference fails to teach an image data file that is losslessly stored on a server in a compressed format *before* a request by a client for the data.

However, as noted by the Examiner, once the computed block is stored in cache 121 of the server 120, a second user may request the computed block. While Applicants do not believe that this teaching changes the fact that the Dekel et al. image must be requested by *some* user before it is processed and compressed, Applicants have chosen to amend the present claims to further clarify the recitation presently at issue. Accordingly, the present independent claims, as amended, generally recite “an image data file that is losslessly wavelet decomposed and that is stored in a losslessly compressed form on a server *independent of any request from a client* for data” (emphasis added) of the data or image sets. Conversely, as demonstrated above, the Dekel et al. system initially stores images in an *uncompressed* format, and only compresses the image *in response to a user request*. Hence, the compression in Dekel et al. reference is *dependent on a request* from a user and cannot be reasonably equated with the presently recited image data file. Consequently, because the cited reference fails to teach each and every element of the present claims, the Dekel et al. reference cannot anticipate independent claims 1, 29, 50, and 73, or the claims depending therefrom.

For at least these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and allowance of claims 1, 2, 4, 5, 7-19, 21-24, 26-63, and 73-86.

### **Rejections Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claim 6 under 35 U.S.C. § 103(a) as unpatentable over Dekel et al. in view of Sodagar et al. (U.S. Patent No. 6,157,746). The Examiner also rejected claims 64-72 as being unpatentable over Dekel in view of Cooke, Jr. et al. (US Patent No. 6,574,629). Applicants respectfully traverse these rejections.

### ***Legal Precedent***

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

***Deficiencies of the Rejections***

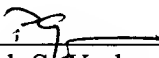
Applicants note that each of claims 6 and 64-72 depends from one of independent claims 1 or 50. As discussed above, the Dekel et al. reference fails to disclose each element of independent claims 1 and 50. Further, neither the Sodagar et al. reference nor the Cooke, Jr. et al. reference obviates the deficiencies of the Dekel et al. reference. As a result, dependent claims 6 and 64-72 are allowable on the basis of their dependency from a respective allowable independent claim, as well as for the subject matter separately recited in these dependent claims. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 6 and 64-72.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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